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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,312	08/18/2000	Ryuji Ishiguro	SONY-T0988	7225

22850 7590 03/18/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

VAUGHAN, MICHAEL R

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 03/18/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/641,312

Applicant(s)

ISHIGURO ET AL.

Examiner

Michael R Vaughan

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 1-11 have been examined and are pending.

#### ***Information Disclosure Statement***

An initialed and dated copy of Applicant's IDS form 1449, Paper No. 4, is attached to the instant Office action.

#### ***Drawings***

The drawings are objected to because Figure 5 has a typo "Numver" --Number--. Figure 7A has a typo "RNADOM" --RANDOM--. Applicant is advised to carefully check over all figures to ensure there are no other typographically errors. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC ' 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sogabe et al, herein Sogabe (USP 6,611,534) in view of Wehrenberg (USP 6,523,113).

As per claims 1, 4, 5, 6 Sogabe teaches a transmitter device which transmits first data to a receiver device by driving a recording medium that stores the first data and second data that describes a limitation on the usage of the first data, the transmitter device comprising: storage means for storing an encrypted value of the second data (column 9, lines 50-55); communication means which, in the authenticating of the

receiver device, transmits the second data to the receiver device (column 7, lines 20-42). Sogabe is silent in expressly disclosing using the second data as part of the authentication process of the source device.

Wehrenberg teaches using the control data (second data) which describes a limitation on the usage of the first data, during the authentication process (column 12, lines. Specifically, Wehrenberg uses challenge/response processes as are well known in the art to authenticate. Even though Wehrenberg's motivation to use the control data is to authenticate the source, it is easy to see how one of ordinary skill in the art could use the secret control data to also authenticate the receiver within the system of Sogabe. Wehrenberg suggests an authentication procedure like that of CSS whereby the receiver is authenticated to the source via a proper response to a selective challenge. It would be advantageous to use the second data to authenticate the receiver because it is known only to the source and would be a suitable response from the receiver to a challenge. Using the control data as a challenge would require the receiver to perform some form of well-known encryption process to the control data and return it to the source for comparison to a correct response. Sogabe's system requires mutual authentication and both the source and receiver must respond to challenges.

In view of this, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teaching of Wehrenberg within the system of Sogabe because performing a challenge on the control data is a way by which both parties of the communication can be authenticated. One skilled in the art would have

been motivated to generate the claimed invention with a reasonable expectation of success.

As per claim 2, Sogabe teaches the storage means inhibits the writing or reading of the encrypted value of the second data in a process other than the authentication process (column 9, lines 53-55).

As per claim 3, Sogabe teaches the storage means has a tamper resistance (column 9, lines 47-55).

As per claim 7, Sogabe teaches a random number generator means for generating a random number having a predetermined bit number, wherein the communication means transmits, to the transmitter device, the encrypted value of the second data together with the random number generated by the random number generator means (column 6, line 34).

As per claim 8, Sogabe teaches a usage limiting data generator means which generates, subsequent to the reception of the first data, third data which describes a limitation on the usage of the first data, based on the second data received by the communication means, wherein the encrypted value generator means generates an encrypted value of the third data generated by the usage limiting data generator means, and the communication means transmits, to the transmitter device, the encrypted value

of the second data together with the encrypted value of the third data (column 7, lines 20-50).

As per claims 9 and 10 Sogabe teaches the step of communication for receiving second data that describes a limitation on the usage of the first data (figure 3 and column 7, lines 5-18). The examiner supplies the same rationale for the motivation to incorporate the teachings of Wehrenberg within the system on Sogabe as recited in the rejection of claim 1.

As per claim 11, Sogabe teaches A communication system comprising a transmitter device which transmits first data by driving a recording medium that stores the first data and second data that describes a limitation on the usage of the first data, and a receiver device for receiving the first data (figure 3 and column 7, lines 5-18);

storage means for storing an encrypted value of the second data (column 9, lines 50-55); communication means which, in the authenticating of the receiver device, transmits the second data to the receiver device (column 7, lines 20-42). Sogabe teaches a receiver device for receiving second data that describes a limitation on the usage of the first data (figure 3 and column 7, lines 5-18).

Sogabe is silent in expressly disclosing using the second data as part of the authentication process of the source device.

Wehrenberg teaches using the control data (second data) which describes a limitation on the usage of the first data, during the authentication process (column 12,

lines. Specifically, Wehrenberg uses challenge/response processes as are well known in the art to authenticate. Even though Wehrenberg's motivation to use the control data is to authenticate the source, it is easy to see how one of ordinary skill in the art could use the secret control data to also authenticate the receiver. Wehrenberg suggests an authentication procedure like that of CSS whereby the receiver is authenticated to the source via a proper response to a selective challenge. It would be advantageous to use the second data to authenticate the receiver because it is known only to the source and would be a suitable response from the receiver to a challenge. Using the control data as a challenge would require the receiver to perform some form of well known encryption process to the control data and return it to the source for comparison to a correct response. Sogabe's system requires mutual authentication and both the source and receiver must respond to challenges.

In view of this, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teaching of Wehrenberg within the system of Sogabe because performing a challenge on the control data is a way by which both parties of the communication can be authenticated. One skilled in the art would have been motivated to generate the claimed invention with a reasonable expectation of success.



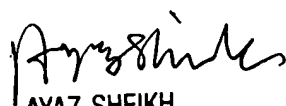
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Vaughan whose telephone number is 703-305-0354. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MV  
Michael R Vaughan  
  
Examiner  
  
Art Unit 2131

  
AYAZ SHEIKH  
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